

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
NOVEMBER 18, 2003
REGULAR MEETING
DRAFT

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Grippa presiding. Present were Commissioners Sauls, Thael, Winchester, Proctor, Rackleff and Maloy. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal. The meeting was called to order at 5:00 p.m.

Invocation was provided by Reverend Gary DeBarberis-Owen of the Unity Church of Christ, at the invitation of Commissioner Rackleff. It was followed by the Pledge of Allegiance to the Flag.

Awards and Presentations

- The resolution scheduled to be presented in honor of the National Guard Family Support Group (NGFSG) was continued to the next meeting, November 25, 2003 due to the memorial services of Mr. Wise.
- Mr. Norris, President/Headmaster of the Capital City Preparatory School, made a brief presentation and explained that the school is for the academically challenged and gifted children. He requested that the Board provide mid-year funding in the amount of \$2,000 and noted that this is a one time request and in the future he would be making the request through the CHSP (Community Human Services Program).

Commissioner Maloy moved, duly seconded by Commissioner Proctor and carried unanimously, that staff be directed to analyze the item and bring it back as an agenda item for Board consideration. Mr. Barr explained that the School Board is providing Title I funds.

- A representative of Mike Vasilinda Productions gave a brief video presentation on Living in Tallahassee. He explained that the company would be producing a 30-40 minute DVD that shows why Tallahassee is a good place to live and will be asking the Board to provide sponsorship in the amount of \$4,000 for a one time funding. The Board suggested that the DVD include pictures of the rural county as well as the City, that it be diversified, and include cultural areas.

Commissioner Winchester moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to agenda the item for consideration.

Consent Agenda

Commissioner Thael moved, duly seconded by Commissioner Sauls and carried unanimously, to approve the following Consent Agenda with the exception of Items 5, 19, and 20, which were addressed as described:

1. Approval of Minutes: September 23, 2003 Regular Meeting and November 4, 2003 Special EMS/ALS Meeting

The Board approved Options 1 and 2: 1) Approve the September 23, 2003 Regular Meeting; 2) Approve the November 4, 2003 Special EMS/ALS Meeting.

2. Approval of Payment of Bills and Vouchers Submitted for November 18, 2003

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for November 18, 2003: \$9,766,652.88

3. Ratification of Board Action Taken at the October 28, 2003 Board Meeting Regarding Mid-Year Funding Request from the NAACP

The Board approved Option 1: Approve the realignment of the budget and authorize the transfer of \$1,000 from the General Fund Contingency.

4. Approval of Sheriff's Request to Transfer \$28,000 of Utilization of Law Enforcement Trust Fund Monies to General Operating Budget

The Board approved Option 1: Approve the transfer of \$28,000 from the Law Enforcement Trust Fund to the Sheriff's Office General Operating budget for the funding of the requested programs.

5. Approval of Realignment of Existing Positions and Associated Funding within Public Services and Office of Management and Budget and Transfer of Veterans Services and Volunteer Services Programs to Division of Health and Human Services

Commissioner Rackleff pulled this item to point out that the Board should be more sensitive to transportation; the County's Railroad Avenue facility is very good from every aspect except that it is not on a bus line.

Commissioner Rackleff moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to approve Options 1, 2, and 3:

- 1) Authorize the realignment of positions within Public Services and the Office of Management and Budget, as outlined in the agenda item;
 - 2) Authorize the transfer of supervision of the offices of Veteran's Services and Volunteer Services to the Director of Health and Human Services;
 - 3) Adopt the attached budget amendment and resolution reallocating appropriations within Public Services and the Office of Management and Budget. The Board also directed that staff send a letter to the City advising them that the County is placing new employees at the Railroad Avenue facility and a bus line going up and down Gaines Street would be desirable.
6. Approval to Amend the FY 2004 Department of Corrections (DOC) Budget Allocation to the Leon County Adult Drug Court Program
- The Board approved Option 1: Approve the attached budget amendment and resolution amending DOC's allocation to Leon County Adult Drug Court Program to \$6,141 for FY 2004.
7. Approval of Grant-in-Aid Agreement in the Amount of \$32,441 Between the Judicial Administrative Commission, Leon County, and the Second Judicial Circuit

The Board approved Option 1: Approve the grant-in-aid agreement for Child Dependency and authorize the Chairman to execute, and approve the attached budget amendment and resolution:

8. Approval of Hazardous Materials Emergency Site Study Update Subcontract with Florida State University in the Amount of \$6,975

The Board approved Option 1: Approve the Hazardous Materials Emergency Site Study Update Subcontract between Leon County and Florida State University in the amount of \$6,975 and authorize the Chairman to execute.

9. Approval of the Emergency Preparedness and Assistance Trust Fund Grant Agreement in the Amount of \$102,959

The Board approved Options 1 and 2: 1) Approve the Emergency Procedures and Assistance Trust Fund (EMPATF) Grant Agreement in the amount of \$102,959 and authorize the Chairman to execute.

10. Approval of Exemption to Leon County Policy No. 96-16, Relating to "Public Use of the Leon County Courthouse" for the Florida Association of Counties (FAC) Legislative Day Reception at the Leon County Courthouse on March 24, 2004

The Board approved Option 1: Approve the exemption to Leon County Policy No. 96-16, "Public Use of Leon County Courthouse," to apply to the provision and consumption of alcoholic beverages, for participants of the FAC Legislative Day Reception from 4:00 to 8:00 p.m. on March 24, 2004 in the Courthouse Rotunda.

11. Adoption of a Resolution to Enter into an Interlocal Agreement with Escambia County Housing Finance Authority to Issue Single Family Mortgage Revenue Bonds

The Board approved Option 1: Adopt the attached Resolution R03-authorizing the Escambia County Housing Authority to operate within the boundaries of Leon County and ratify and approve the HFA Resolution and Interlocal Agreement.

12. Acceptance of Byrne Grant for Enhanced Pre-Trial/Probation Program II

The Board approved Option 1: Accept the Byrne Grant Subgrant for the enhanced Pretrial/Probation Program II and authorize the Chairman to execute, and adopt the attached budget amendment and resolution:

13. Approval to Submit the 2003/2004 Florida Department of Health, Bureau of Medical Services, County Grant Application

This agenda item seeks Board approval to submit a grant application to the above for partially funding an upgrade to the Computer Assisted Dispatch (CAD) system, which will be used by Leon County's Emergency Medical Services' (EMS) ambulance service. The Board approved Options 1, 2, and 3:

- 1) Approve the submittal of the 2003/2004 Florida Department of Health, Bureau of Emergency Medical Services Grant Application and authorize the Chairman to execute;
 - 2) Approve the submittal of the resolution that certifies that the grant funds shall be used to improve and expand pre-hospital EMS and shall not be used to supplement existing County EMS budget allocations and authorize the Chairman to execute (Resolution R03-70);
 - 3) Approve the attached budget amendment and budget resolution:
14. Approval of Addendum to Grant Award Agreement for Leon County Historic Markers Between Leon County and the Florida Department of State

The Board approved Option 1: Approve the Addendum to the historic preservation Grant Award agreement and authorize the Chairman to execute.

15. Acceptance of \$500 Donation to Volunteer LEON from the Tallahassee Democrat's Volunteer of the Year Award

The Board approved Option 1: Accept the \$500 donation from the Tallahassee Democrat's Volunteer of the Year Program.

16. Acceptance of a \$300 Grant from the Returned Peace Corps Volunteers of North Florida to the Leon County Volunteer Center

The Board approved Option 1: Accept the \$300 grant from the Returned Peace Corp Volunteers of North Florida and adopt the attached budget amendment and resolution:

17. Acceptance of a Florida Department of Community Affairs (DCA) Grant in the Amount of \$35,000 to Volunteer LEON and Approval of Agreement with Capital Area Chapter of the American Red Cross for the 2003-2004 Community Emergency Response Team

The Board approved Options 1, 2, and 3: 1) Accept the Florida DCA Federally Funded subgrant agreement in the amount of \$35,000 and authorize the Chairman to execute; 2) Approve the agreement to subcontract with the Capital Area Chapter of the American Red Cross and authorize the Chairman to execute; 3) Adopt the attached budget amendment and resolution.

18. Approval to Establish a Leon County Lot Mowing Ordinance

The Board approved Options 1 and 2: 1) Approve the establishment of a Leon County Lot Mowing Ordinance with code regulations and procedures to regulate vacant and neglected residential lots with overgrown weeds, grasses, shrubbery and other pollen-producing vegetation, and 2) Submit proposed code regulations to Code Enforcement Board and the GEM Citizens User Group for input and comment. After receipt of these comments, direct staff to schedule a public hearing on the proposed Lot Mowing Ordinance.

19. Approval to Award a Continuing Supply Contract for #57 Granite Rock to Junction City Mining Company

Chairman Grippa posed this item and indicated that he preferred an item involving this amount of money (\$250,000) not be placed on Consent Agenda. He inquired about the cost savings of the low bidder versus the recommended primary supplier.

Mr. Keith Roberts, Purchasing Director, pointed out that in the past the vendor, Martin Marietta Aggregates, the low bidder, did not deliver the product. The reason for recommending a primary supplier and a back-up supplier is to avoid possible work stoppages or delays.

Commissioner Sauls moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to approve Options 1 and 2: 1) Approve the award of a continuing supply contract for #57 Granite Rock to Junction City Mining Company, as the primary supplier and authorize the Chairman to execute; 2) Approve the award of a continuing supply contract for #57 Granite

Rock to Martin Marietta Aggregates, as the back-up supplier and authorize the Chairman to execute.

20. Approval of the Proposed Floor Plan Revisions and Cost Reduction for the Woodville Community Center/Youth Center and Authorization for Staff to Proceed with a Contractual Services Agreement for Design of the Facility

This item seeks approval of the proposed floor plan revisions and cost summary reduction for the Woodville Community Center and approval for staff to proceed with contractual services with one of the County's continuing services consultants for engineering and architectural services for design of the facility.

Chairman Grippa pulled this item and asked if the changes to the plan would allow for the Boys and Girls Club. Paul Cozzie, Director of Parks and Recreation, explained that he has met with the Boys and Girls Club about the changes made to the facility layout and they are supportive of it.

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously 7/6, to approve Option 1: Approve the proposed floor plan/funding facilities program (Option C), and authorize staff to proceed with a contractual services agreement with one of the County's continuing services consultants for engineering and architectural services for design of the facility.

21. Request to Schedule a Public Hearing for the Pre-Application for Authorization of a Service Area to Operate a Sewer System Serving Properties Located Along Beech Ridge Trail on Tuesday, December 9, 2003 at 6:00 p.m.

The Board approved Option 1: Schedule a Public Hearing for December 9, 2003 at 6:00 p.m., for the pre-application for authorization of a service area to operate a sewer system serving properties located along Beech Ridge Trail.

22. Ratification of Board Actions Taken at the Workshop on Countywide Flooded Property Acquisition and Flooding Issues Held on October 28, 2003

The Board approved Option 1: Ratify Board actions taken and direction given at the October 28, 2003 Countywide Flooded Property Acquisition Program and the Flooding Issues Workshop:

- Evaluate County-owned property for sale of surplus lands

- Use the scores assigned to the Southside Acquisition List to determine the relative priority for acquisition through the Countywide Flooded Property Acquisition Program
 - Present bonding scenarios to accelerate acquisition of flooded property
 - Initiate a meeting with the City of Tallahassee through a Joint Stormwater Committee to discuss volume control regulations for all of Leon County
 - Obtain comments from the GEM Citizens User Group, Science Advisory Committee and Water Resources Committee for amendments to the flood protection ordinance and bring back to the Board a request for consistency review by the Planning Commission and a request to schedule two public hearings
23. Request to Approve Travel Expenses for Commissioner Threll to Attend the Florida Association of Counties (FAC) Legislative Conference on November 19-21, 2003 in Palm Beach County
- The Board approved Option 1: Approve the travel expenses as requested.
24. Request to Approve Travel Expenses for Commissioner Maloy to Attend the Florida Association of Counties (FAC) Legislative Conference on November 19-21, 2003 in Palm Beach County
- The Board approved Option 1: Approve the travel expenses as requested.

Citizen to Be Heard on Non-Agendaed Items (3-minute limit; non-discussable by Commission)

- a. Paul Morris, 2391 Lancelot Drive, brought up the issue of highway maintenance and the road shoulders. He cited a recent crash, which appeared to be caused by the lack of road maintenance. He asked that the Board direct staff to look at the present maintenance policies and that he be allowed to come back to the Board with a detailed report. The Board concurred that an inventory of County roads be conducted and that an agenda item be brought forward.
- b. Anthony Gaudio, a master septic tank contractor for the state of Florida and president of Apalachee Backhoe and Septic Tank, approached the Board. He suggested that the recently adopted ordinance dealing with septic tank system failures in Killbuck Lakes essentially created a moratorium on the construction of the

remaining lots in Killearn Lakes Unit 2. He stated that the ordinance should be considered a short-term interim measure to address the immediate problems while the more comprehensive Countywide approach should be adopted. He advised that in 1987 he was part of the committee that wrote the Leon County Ordinance that deals with septic tanks; the ordinance is now outdated and is in need of revision. However, the process that was used to develop it was successful and may be useful as a model for the current situation. Mr. Gaudio pointed out that the failed septic tanks are a result of the flooding problems and the problem should be addressed comprehensively. He suggested that the Board appoint a committee to revise and update the existing local County septic tank ordinance to reflect recent changes in the State code with a special section dealing with the problems of Killearn Lakes.

Chairman Grippa advised that Commissioner Rackleff would be discussing this issue at the end of the meeting during "Commission Discussion Items" and will probably bring back an agenda item to discuss the formulation of a cooperative group. He noted that the Water Resources Committee is working on an overall septic tank program.

The Board then entered discussion of Public Hearings, Item 32.

General Business

25. Review of Accounting Procedures for Determining the Allocation of Grant Funding for the Operation of the Tallahassee/Leon County Metropolitan Planning Organization (MPO)

This agenda item seeks Board direction regarding whether an operational and financial audit should be performed on the accounting procedures currently used for determining the allocation of grant funding for the operation of the Tallahassee/Leon County Metropolitan Planning Organization.

County Attorney Thiele explained that one of the problems he has encountered regarding the review of the legal status of the MPO is the indirect cost allocation which has been charged to the federal grant; if the federal grant funds have not been properly allocated, then there is the possibility that the federal government, when they conduct the certification review, could determine that the County owes money back. Therefore, it could have a potential impact on the budgets of the City, MPO, and County. Mr. Thiele advised that this is really a financial and management audit issue, and not a

legal question at the moment; he has not had a chance to review the books. He recommended that the MPO and the Board authorize some type of management and fiscal audit of the MPO.

For the record, Chairman Grippa advised that the City voted to waive the conflict of interest that the County Attorney may have had in providing the Board with general knowledge.

Chairman Grippa inquired if the MPO would be allowed to work on the Bradfordville Sector Plan agreements. Mr. Thiele responded that it would have to be in the approved plan for MPO to work on it and at that time when it was worked on, it was not in the plan.

Chairman Grippa stated that if the County utilized a grant through the MPO and directed the MPO to do something that was not appropriate, then the Board should take immediate steps to correct it. He stated that he fully supported an audit of the County dollars, which may need to be reimbursed to the federal government. He suggested changing the process which allowed this to occur and pointed out that this issue should also be discussed at the MPO meeting.

County Attorney Thiele stated that the MPO staff expressed concerns that charges have been made against the federal grant, which may or may not be appropriate.

Commissioner Rackleff suggested that the Clerk be asked to look at the issue and consider conducting an audit.

Commissioner Thae suggested that Chairman Grippa ask for a joint audit from the City and the County. Commissioner Grippa suggested that the Clerk use his external auditors, Thomas Howell Ferguson, to conduct the operational and financial audit since they are CPAs. Commissioner Rackleff stated that the Clerk could decide who would conduct the audit and he could possibly use his auditor in-house. County Administrator Alam explained that the Clerk conducts audits on various functions and the Board could make a request to the Clerk.

Chairman Grippa indicated that it may not be appropriate for the Clerk to conduct an audit of the MPO which is made up of City and County staff; if the City decides to do a joint audit, the City may not wish to use Clerk Inzer, who was formerly employed by the City. Mr. Alam advised that under State Law, the Clerk is the auditor for the Board of County Commissioners; he has the

independent authority to audit any Board functions that he chooses. In practice, the Clerk has always taken the advice of the Board; under his own constitutional authority, the Clerk can select functions under the Board to audit as he so determines.

Chairman Grippa suggested that an outside independent auditor who has expertise in forensic accounting and is not a politically elected person should conduct the audit.

Commissioner Rackleff moved, duly seconded by Commissioner Thaell to approve Options 1 and 2 with Option 1 modified as underlined: 1) Request the Clerk of the Court to conduct an operational and financial audit of the MPO in order to assure the proper use and accounting of federal and state grants. 2) Present a motion at the next MPO Board meeting to authorize the MPO to retain an independent auditing firm to conduct an operational and financial audit of the MPO in order to assure the proper use and accounting of federal and state grants.

Commissioner Thaell moved a friendly amendment to the motion, which Commissioner Rackleff agreed with, to ask the Clerk to conduct the audit and if he determines that he does not have available time or resources, then staff would be authorized to hire an independent auditor to conduct the operational and financial audit. Chairman Grippa stated that he does not feel that Clerk Inzer would be able to audit the City since he was formerly employed by the City.

Commissioner Rackleff stated that the motion is: Present a motion at the next County Commission meeting authorizing the MPO to retain an independent auditing firm to conduct an operational and financial audit of the MPO in order to show the proper use and accounting of federal and state grants; if not approved by the MPO, the County would come back at the next MPO and immediately contract with an auditor for the County. Chairman Grippa explained that the first goal is to audit the City and the County jointly; if that cannot be done, then the County should be audited. Commissioner Thaell suggested using the County auditor to audit the County and that staff make a request to the Clerk to determine if he has time to manage a forensic audit. Chairman Grippa stated that he does know if the Clerk has the expertise to do a forensic audit of years of allocation of dollars.

Commissioner Sauls clarified the motion: Place the issue on the next MPO agenda; in the meantime staff will notify Clerk Inzer and

the Board will agree to come back immediately to audit the County if the MPO decides as a whole that it does not want to go through an independent audit. The motion carried unanimously, 7/0.

26. Acceptance of Discharging of Weapons Across Property Lines

On October 28, 2003, the Board requested that the County Attorney review the existing regulations and applicable Statutes that relate to regulating firearm discharge in the unincorporated area. Essentially the County has a restriction in the unincorporated area for shooting tops of public rights-of-way and roadways and use of firearms in public county parks. County Attorney Thiele also referenced additional material that was distributed to the Board that included examples of ordinances from other jurisdictions, some which limited discharging a firearm within certain feet of a occupied residence building.

Commissioner Winchester suggested more due diligence was necessary and to talk with the Sheriff Department further so the Board could understand the intensity of the problem and ensure that the Board is not infringing on the Second Amendment rights, yet provide public safety.

Commissioner Proctor moved and was duly seconded by Commissioner Winchester to accept the report regarding discharging firearms across property lines and to illuminate upon it in the future. Commissioner Proctor explained that Commissioners could independently talk with the Sheriff about this issue.

Commissioner Thae advised that he was aware of the problem, but from the discussion, it appears to be a law enforcement issue since it involves illegal firearms discharge across someone's property.

Commissioner Rackleff pointed out that he has received several complaints where children are playing and the shots can be heard and parents are concerned that children could be injured. He pointed out that guns should not be discharged in an urban area, the Sheriff has already been contacted, and regulations are inadequate to address the issue.

Commissioner Rackleff moved a substitute motion to ask the County Attorney to bring back a proposed ordinance. The motion was declared dead for lack of a second.

Commissioner Maloy opined that he concurred with the report and pointed out that the Sheriff would address the complaints and keep a record. The Sheriff has not approached the Board to point out that there is a problem at this time.

Commissioner Winchester stated he thinks there are adequate State regulations and the issue is one of enforcement. He referred to the State Statute, which regulates "reckless discharge of firearms" and asked if this could be enforced. County Attorney Thiele responded that it could be enforced but it has been a difficult enforcement issue and some of the counties have solved the issue of enforcement by making an objective standard - if they can make a measurement on the size of the lot and a measurement on the distance, then it is easier to enforce. He stated that this is how most local governments deal with it.

The motion on the floor carried 5 - 1 (Commissioner Rackleff voted in opposition and Commissioner Proctor was out of Chambers).

27. Adoption of a Board Policy to Refund ad Valorem Taxes for Active Military Duty Personnel

This agenda item is to decide on whether to adopt a Board Policy establishing a grant program for eligible residents, who are members of the United States Military or called to active duty as members of the United States Military Reserves or National Guard Forces, to apply for a refund of ad valorem taxes paid during any year in which they serve in a named United States Military conflict.

Mr. Speake, 6240 Oak Water Oak Road, commended the Board for bringing the issue forward and urged its adoption. He stated that Leon County would be the leader in the Country on this issue because other counties will follow suite.

Commissioner Rackleff suggested a different approach. Rather than making this a property tax refund which benefits a few members of the military who own property, Commissioner Rackleff proposed providing a cash grant of a fixed amount of money, and the same be given to all qualified active military. Commissioner Rackleff explained that a lot of junior military do not own real estate and the agenda item as written would not benefit from the refund. He also pointed out that the policy should specify ad valorem taxes for homestead property.

Commissioner Winchester moved and was duly seconded by Commissioner Sauls to adopt the proposed policy as recommended by the Chairman and direct staff to bring back information about a County grant program for those not eligible under this new policy, as soon as possible.

Commissioner Proctor asked that something be done to help the family of Serviceman Robert Wise who was recently killed in the war with Iraq, even if it is done posthumously. Commissioner Winchester requested that the Board make a donation in the amount of \$5,000 - \$10,000 to his family for travel and lodging to attend his funeral in Arlington, Virginia. Commissioner Winchester would take up the item later in the meeting.

Larry Davis, Veteran's Affairs, clarified that the proposed tax refund policy applies to active duty military, guard and reserve forces who have been mobilized or deployed to active duty to a named military conflict or some theater of action per Title 10 U.S.C. The grant would be prorated.

Commissioner Winchester amended his motion, which was accepted, to approve the Board policy which refunds ad valorem homestead property taxes for active military personnel prorated over a year, to be \$600 or more, allow non-property owners (apartment dwellers, residents) to receive a cash grant of \$600 if they qualify as active military personnel as described. The amendment was carried unanimously, 7/0. A budget amendment would be brought back to the board.

28. Consideration of Year-End Funding Request from Thomas Colantonio in the Amount of \$1,200 to Attend the National Youth Leadership Forum on Defense, Intelligence and Diplomacy in Washington, D. C.

Commissioner Sauls moved, duly seconded by Commissioner Proctor and carried unanimously, 6/0 (Commissioner Thael was out of Chambers), to approve Option 1: Approve the funding for Thomas Colantonio in the amount of \$1,200 from the General Fund Contingency Account and associated budget amendment:

29. Adoption of the School Facility Planning Interlocal Agreement Between the City of Tallahassee, Leon County, and the Leon County School Board

Commissioner Sauls moved and was duly seconded by Commissioner Maloy, to approve Option 1: Adopt the School Facility Planning Interlocal Agreement between the City of Tallahassee, Leon County and the Leon County School Board to coordinate comprehensive and school facilities planning and authorize the Chairman to execute.

Commissioner Rackleff asked why the County was not implementing the Comprehensive Plan policy for requiring residential developers to pay an impact fee. Wayne Tedder, Planning Department, responded that there is an Educational Element in the Comp Plan, but there is no emergency element for Educational Facilities in the County, therefore there is no requirement for that in the land development regulations (LDRs); to do so, the LDR would have to be amended to incorporate those provisions. Commissioner Rackleff suggested that this be revisited in the future since there is a Comp Plan policy for transportation impact fee and other impact fees. Mr. Tedder explained that there will be a meeting with the County, the City, and the School Board annually where these issues can be discussed.

The motion carried unanimously, 5/0 (Commissioner Thael was out of Chambers)

30. Approval of FY 2003-2004 Contracts for Expanded Drivers Education (Greg Burris Memorial Program)

This item requests Board approval of one contract with Partners for Highway Safety, Inc., and one contract with the Leon County School Board. Combined, these two contracts would allocate funding pursuant to the Greg Burris Memorial Program for Expanded Driver's Education for FY 2003-2004.

Ben Pinner, Leon County Administration, explained that the recommendation is in line with the Select Committee's recommendations which is a one-third, two-third split (one-third to Partners for Highway Safety and two-thirds to the School Board); same percentage as last year but increased dollars.

Paul Burris, 2391 Lancelot Drive, Partners for Highway Safety, stated that he is not comfortable with the one-third, two-third formula this year. He does not feel the funding is being used to accomplish the intent of the Board and pointed out that his request for the share of the funding has been cut over 50 percent. He explained that the School Board proposes one additional car

and driving simulators. Mr. Burris explained that actually cars were needed for kids to drive and not simulators, and the proposal provides funding for only 318 kids with a projected shortfall of 372 kids.

Commissioner Thaelle asked if the driver's range closing issue has been resolved and Mr. Burris responded that it has not been resolved and he would be bringing the issue to the Board to explain the issue.

Commissioner Thaelle moved and duly seconded by Commissioner Winchester to grant \$51,800 to Partners for Highway Safety with the first \$15,000 for purchasing equipment, and the School Board would receive \$55,000 based on generating sufficient revenue for fiscal year 2003-2004; Office of Management and Budget would bring back a budget amendment on next week's agenda in the amount of \$10,000. Commissioner Thaelle recommended that the School Board create a match program.

The motion carried 5 - 2 (Commissioners Rackleff and Proctor voted in opposition).

31. Approval to Issue a Request for Proposals (RFP) for a Consultant to Design the Sewer System for Killearn Lakes Units I, II, and IV

Commissioner Winchester moved and was duly seconded by Commissioner Proctor to approve Option 1: Approve the issuance of a Request For Proposals to hire a Consultant to design the sewer system for Killearn Lakes Units such that the design of the Killearn Lakes Sewer System can be performed as soon as possible. County Administrator Alam explained that the results of the RFP would come back to the Board for consideration.

Commissioner Proctor inquired about using the model or the sewer system in other areas of the County such as Woodville. Joe Brown, Public Works Engineer, explained that the overall process of providing sewer to an "un-sewered" area must start somewhere, and in this case it is Killearn Lakes. When they get through with it, the County will have a model that they can use in other areas of the County. Mr. Brown explained that the physical design is not the model, the physical design is unique to a particular site.

Commissioner Sauls inquired if this project would be similar to the 2/3 - 2/3 road projects. Staff advised that it could be the same concept but that decision has not yet been made. Mr. Alam

advised that that the Board made a decision that \$5 million out of the water quality funds could be used for this project, although the total cost of the project would be significantly higher (\$15 - 17 million). Staff has provided the data to Mr. Harvey Harper who will make a determination whether the criteria that was established has been met. If it is determined that the criteria has been met, then it goes to the IA (Blueprint Intergovernmental Agency) for a decision to put aside the \$5 million for the project. The remainder of the funding for the sewer project could be obtained through a 2/3 - 2/3 program or other types of assistance.

Commissioner Sauls raised questions:

- Will the remaining costs of sewer improvement be paid by the homeowners
- Will the cost be assessed against the homeowner
- Will enough people be willing to hook up to sewer to make it worthwhile

Chairman Grippa responded that this information will not be obtained for a year or longer; the agenda item is to request an RFP for a consultant to design a sewer system. Once the design is done, the cost will be established; once the cost is determined, the number of homeowners that will hook up will be determined.

Commissioner Rackleff wanted to know if the cost to design the system was \$500,000. Mr. Brown indicated that staff would go through the process of bringing the short list to the Board with a recommendation. They would enter negotiations with the consultant and get a number to the Board. He felt it would be \$500,000. Commissioner Rackleff indicated that there are other neighborhoods which have water quality problems that need to be solved and there is no money for it. He also pointed out that there is not specific plan and the County does not know if the residents want a sewer system. Mr. Brown explained that the cost for the RFP would be for staff time only at this point.

Commissioner Thaell asked if the consultant would look at the effluent disposal process - Talquin sprayfield or the City's sprayfield is inadequate to handle the effluent. Mr. Brown stated that Talquin is studying ways to handle and develop the treatment and disposal capacity and is confident it can be done.

Since it takes 90 days to select a consultant and there are examples of costs for hooking up to City sewer which could be obtained to get a price range, Commissioner Thaell suggested that

a survey be taken of the Killearn Lakes area to find out who would be willing to hook up. Mr. Brown pointed out that the 2/3-2/3 projects have cost changes after the residents sign the petition and then are dissatisfied. Commissioner Thael stated that he does not want to design a system that no one wants to participate in because the cost is too steep.

Chairman Grippa explained that the Board voted earlier to address the flooding and septic tank failures in Killearn Lakes.

Commissioner Winchester hopes there is an efficient way to get a preliminary design and price tag for Killearn Lakes and to find out from the community if they are willing to go for the sewer system.

Chairman Grippa asked if this should be determined after the RFP is let or before. Mr. Brown referenced the agenda request and explained that he proposes to contract for the entire sewer, but it would be phased, so to obtain the preliminary cost before staff authorizes them to continue the full design; this would be a part of the RFP description that would be set out. The legal obligation of the County would not be for full design - staff would look at it and then decide whether to go ahead. Before the consultant spends considerable time designing the system, they would conduct a preliminary cost estimate so they can give a good cost estimation.

Chairman Grippa explained that the Board is not spending \$500,000 to bid it, but are simply asking staff to go out to bid and the bid will come back to the Board who will decide what to do with it. Some staff time will be spent to put the RFP together and evaluate it.

Chairman Grippa explained that he would obtain information about whether residents in Killearn Lakes want the sewer system installed and are willing to pay for it. He would obtain the information and signatures from people who are willing to pay for the system.

The motion on the floor carried 6 - 1 (Commissioner Rackleff voted in opposition).

Chairman Grippa explained that at the next Commission meeting, he would be bringing the minutes of the Killearn Lakes Community Meeting showing the Board's discussion of this item.

Add-On: Approval to Award Bid to Advanced Building Corporation, Next lowest Bidder, for Demolition Work in the Amount of \$31,788

County Administrator Alam explained that the contractor was hired to demolish four homes in Killearn Lakes, but has not performed the work. He recommended going with the second lowest bid. Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Option 1: Approve the bid award to the next lowest bidder for demolition work to Advanced Building Corporation in the amount of \$31,788 to remove structures from Norwood Lane, Pimlico Drive and Nantux Drive.

The Board then entered discussion regarding Item 35 under Discussion Items by Commissioners (Commissioner Proctor).

Public Hearings

32. First and Only Public Hearing on a Proposed Ordinance Amending the Leon County Code of Laws, Chapter 10, *Land Development Regulations* and Chapter 14, *Public Nuisances* Pursuant to the Recommendations of the Office of Management and Budget.

Pursuant to legal advertisement, a public hearing was scheduled to be conducted.

Commissioner Winchester moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to continue the public hearing until November 25, 2003 at 6:00 p.m.

33. First and Only Public Hearing Regarding the Request for the Re-Granting of Vested Development Rights Pursuant to Section 10-99 (d) of the Land Development Code for the Sam's East (a.k.a. Sam's Warehouse Club) and Doris Hastings' Properties

Pursuant to legal advertisement, a public hearing was scheduled to be conducted.

Commissioner Winchester moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to continue the public hearing until December 9, 2003 at 6:00 p.m. Commissioner Winchester explained that he met with the developer's representative today, and the commitment he received is that there will be a public meeting in the area to brief the citizens about the

intent of the re-vesting; at this point there is no site plan being reviewed. Commissioner Winchester stated that if the public meeting does not occur prior to the December 9th public hearing, the public hearing could be continued again.

34. First of Two Public Hearings to Adopt Proposed Revisions to Leon County's Temporary Uses Regulations Regarding Temporary Events of Public Interest

Pursuant to legal advertisement, a public hearing was scheduled to be conducted.

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to continue the public hearing until November 25, 2003 at 6:00 p.m.

Commissioner Sauls moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to recess the meeting at 7:45 to attend the memorial services of Serviceman Williams of Tallahassee, who was recently killed in the war in Iraq.

The Board reconvened at 8:11 p.m.

The Board entered discussion regarding Item 25.

Discussion Items by Commissioners

35. Consideration of transferring the Neighborhood Justice (NJC) operations to the Florida A & M University Criminology Department (Commissioner Proctor)

This agenda item seeks Board approval to agenda a request from Dr. Narayan Persaud, Associate Professor of Criminology at Florida A & M University to transfer the administration and funding for the recently dissolved Neighborhood Justice Center Program to the Florida A & M University Department of Sociology and Criminal Justice.

Dr. Narayan Persaud, Associate Professor of Department of Criminology, FAMU, appeared and explained the importance of the program and asked that the operations be transferred to the Department of Criminology.

Don Lanham, Grants Coordinator, explained that approximately \$50,000 was going to be allocated to the NJC. Since the NJC

program was terminated, a meeting with the local law enforcement block grant advisory Board will meet this Friday to discuss the redirection of the funds. The only dollars that the County has under their control is \$19,000; the City Commission will have to decide what to do about the \$26,000 that they were going to allocate to the program City

Commissioner Thael asked Dr. Persaud if the \$19,000 the County allocated for the program would be sufficient for the program. Dr. Persaud responded that some of the operations could be integrated into what they already do within the Juvenile Justice role model program. He intended to expand services into the disadvantaged community. Commissioner Thael pointed out that the program became dysfunctional under the judicial system and he wanted to know how the program would function under the Criminology Department. Dr. Persaud explained that there are some differences between the entities that operated the center previously. He advised that Judge Padavano and Public Defender Daniels was supportive of the program. Many of the graduate students live in the community and are trained in assisting in conflict mediation, role modeling, prevention component, mentoring, reach disadvantaged and other various aspects.

Commissioner Thael moved and was duly seconded by Commissioner Proctor agenda the request.

Commissioner Rackleff advised that when the Board abolished the NJC a few weeks ago, he asked staff to contact FSU, Conflict Resolution Center and find out if they had an interest in providing similar services. Mr. Lanham explained that he contacted FSU Executive Director Sharon Griss and she advised that they do not provide direct services that would be eligibility-funded under the local law enforcement block grant. She did say that she was interested in talking with Dr. Persaud. Commissioner Rackleff asked if the County funded it for this year, would it be coming back to the Board in future years. Mr. Lanham pointed out that the block grant is getting ready to change substantially next year and funding may not be available through the block grant.

County Administrator Alam suggested canceling the local law enforcement block grant advisory committee on Friday and to request the City to provide a \$26,000 match. The maker of the motion concurred.

Commissioner Proctor suggested focusing Friday's meeting around the concept of the neighborhood justice planning document, a historic document, which could be shared and reviewed. Mr. Lanham explained that he already invited Dr. Persaud to Friday's meeting based on the Board's direction (when the NJC was abolished) to look towards using the money for mediation services. The Board concurred to conduct the meeting on Friday and to have a frank discussion.

The motion carried unanimously, 7/0.

Commissioner Sauls moved, duly seconded by Commissioner Winchester and carried unanimously, to extend the meeting until 11:30 P.M. It was also noted that there is a tornado watch in effect.

Citizens to Be Heard:

- a. Mr. Ed DePuy, 1104 Coe Landing Road, appeared and voiced concern about the City's proposal to install a power line on the east side of town, off Weems Plantation Road and Mahan Drive. He reported that studies reveal health problems resulting from citizens living near high-tension power lines. He implored the Board to take this matter under advisement themselves and with the City Commission to ensure that they know what they are doing before moving forward and to consider other alternatives such as placing utility lines underground and using other routes. Mr. DePuy urged the Board to voice objections to the City and scrutinize the issue since this is an environmental-potential hazard and quality of life matter.

Commissioner Rackleff explained that the idea that it causes health problems is because of the electro-magnetic field generated overhead by high-tension transmission lines. He stated that was reviewed extensively by the National Research Council, National Academy of Science, and they found that there was no conclusive evidence of this. Commissioner Rackleff opined that he was concerned about the aesthetic impact of the transmission line along Mahan Drive. He stated that he has urged City staff to follow the existing right-of-way, which is behind the trees on the south side of U. S. 90 to Pedrick Road where the canopy disappears then crosses the road. Commissioner Rackleff advised that burying the lines is very expensive and it would disturb more of the tree cover than working through the existing trees. The alternative route mentioned by the consultant was along CSX railroad to Alford

Arm, over to I-10, then to U.S. 90 and over to Welaunee Power substation.

Commissioner Thael suggested that the Mayor and Chairman have a discussion about this matter and noted that citizens will be impacted regardless of the route and the Mahan route appears to disturb the least amount of people. He pointed that it is costlier up front to bury the lines, but in the long run, it would not be more expensive since maintenance costs would be saved.

Chairman Grippa stated that there are reports showing that cancer is attributable to people living near high tension transmission lines. He stated that this is a safety issue and the consultant's first recommendation was to go along the CSX railroad.

Commissioner Winchester moved and was duly seconded by Commissioner Sauls to direct staff to research the issue and then agenda it. Chairman Grippa stated that he would provide reports, which came out in 1993 on health concerns involved in high transmission lines. Commissioner Rackleff urged the Board to obtain expert assistance on this matter since it is highly technical issue and if it is decided to use the Mahan Road, that the City design them in such a way that they do not show from the road. Chairman suggested that the consultants attend the meeting. Some Board members suggested that a workshop be conducted. In advance of the workshop, Commissioner Winchester stated that he would like to see the comparative analysis for route selection and the EMF data that was generated from the report before the workshop.

It was noted that Commissioner Rackleff was previously selected by the Board to negotiate with the City.

The Board engaged in further discussion. Chairman Grippa pointed out that there are three issues - health, the route of Mahan Drive and burying the lines; staff should research the item and Chairman Grippa would provide reports written in 1993 about the health studies; also DOT permits have expired; a follow-up letter should be sent to the City asking them to give time to the County since they were not briefed on the matter and the County wants to be part of the process; ask the City to hold off on making any determination of the route since the County was not briefed and the County wants to be part of the process and to go over the consultant's report; otherwise, Chairman Grippa pointed out that he would need to make a personal call to DOT to let them know his

objection since he was not briefed on this issue (City plans to take action in two weeks). The Board stated that the workshop should be conducted on December 9, 2003.

The motion on the floor carried unanimously, 7/0.

Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0 to extend the Board meeting until 11:45 p.m.

- b. George E. Lewis, 203 N. Gadsden Street, appeared and referred to Public Hearing, Item 33 regarding Sam's farm house, which was continued. He explained that essentially the Board is being asked to re-grant the vested rights, then Sam's would do the work and see if they could meet the Lake Jackson Land Protection requirements. Mr. Lewis stated that this is in direct contradiction with the ordinance the Board adopted on April 16, 2003. He stated that the agenda item lists things that must be considered during the review of a request for reestablishment of vested development rights and criteria that must be met at the application stage before the decision is made to grant vested rights. Mr. Lewis stated that the applicant has apparently sold the concept to County staff and is attempting to convince the Board, and to re-route the process; the applicant will come in with the PUD amendments after vested rights has been re-granted. Mr. Lewis pointed out that the Board would lose control if they proceed in this fashion and that the Board should require the applicants to go through the process before voting to re-grant vested rights.

Chairman pointed out that this item has been continued and he would like to limit discussion to three minutes.

Mr. Lewis further discussed the item and suggested that if the Board approves the re-vesting at this stage, it would set a precedent for other applicants.

Commissioner Winchester stated that he plans to talk with Mr. Lewis tomorrow on this issue and he has received about 25 calls about this issue. He also plans to talk with the developers and the neighbors on this matter. Commissioner Winchester explained that this item has been continued until December 9 pending a public meeting in the area to inform the people who live in the area about the plans. Once that is done, there may or may not be a public hearing on December 9, depending on whether or not the public meeting is conducted. Commissioner Winchester stated

that he would work with the County Attorney to review the issues mentioned by Mr. Lewis to make certain the Board is following the ordinance. Commissioner Thael wanted to be notified of the public meeting so he could attend.

- c. Mr. Bob Pannell, 2801 Glennis Court, appeared and referred to comments made by Commissioner Winchester regarding Item #33 – Public Hearing on Gwyndale PUD and requested the County Attorney review the legality of the ordinance adopted by the BCC and sufficiency of the application as filed under this ordinance; his review indicates problems with the process by which it was adopted and suggested that it could render the ordinance invalid and materially deficient in meeting the requirements of the ordinance. He further added that this may preclude the BCC from taking action on this matter (Item 33) until those requirements have been met; he felt it would be prudent to have answers before investing the time and effort to consider this matter. Mr. Pannell stated that the neighborhood can provide objective information to assist the BCC in making an informed decision that there is a wetlands expert in the neighborhood who can provide valuable information to the applicant, the Board and to staff regarding wetlands and what is possible for the site. He urged the Board to be patient since he was aware of this issue for only one week and just recently realized the implications of the issue and most of the residents in the neighborhood are not aware of it either.

County Administration

Advised that the Wakulla County Commission has now decided they would be willing to meet with the Leon County Commission. It was the consensus of the Board to meet on Thursday, December 4, 2003 at 6:00 p.m. and ask Wakulla County if they would meet in the Leon County Commission Chambers. The Board indicated that it may be conflicting since there are other meetings that date. It was the consensus of the Board to obtain alternative dates from Wakulla County and make a decision next week, November 25th.

Discussion Items by Commissioners

Commissioner Winchester

Commissioner Winchester moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to approve up to \$5,000 from General Fund Contingency, payable to HOOA to assist

families of military that need funding for travel and lodging. The Board pointed out that Serviceman Robert Wise was recently killed in the war in Iraq and his family would be traveling to attend the burial in Arlington, Virginia. It was noted that HOOA would establish the criteria for assisting families members.

Commissioner Rackleff

Commissioner Rackleff moved, duly seconded by Commissioner Thaeil and carried unanimously, 7/0, that an agenda item be brought back on the formation of a committee to look at the adequacy of current septic tank regulations countywide and to propose an improved ordinance.

Commissioner Proctor

Congratulated Chairman Grippa on the birth of his daughter.

Commissioner Thaeil

- a. Requested resolution recognizing National Mesothelioma (asbestos disease) Day, December 9, 2003.
- b. Requested the Board consent for the Riley House to use the vacant lot owned by Leon County behind Barnett Bank for parking for the R. Thon event on December 6, 2003. The Board concurred.
- c. Requested that Don Enham, Grants Coordinator, work with DEP, FDU, and Riley House to examine the grant possibilities to assist in the development of the Northeast Leon County Heritage Trail.
- d. Reported that the Florida received \$92 million for terrorism readiness and requested that staff analyze how much is coming to Leon County. He hoped to be able to reduce the General Revenue that goes to law enforcement.
- e. Noted that the last MPO addressed the question of land acquisition and appointment of a private citizens committee. The Chairman would address this under his items.
- f. Advised that he has a Civic Center Authority Board meeting at 8:00 a.m. on December 3, 2003 so he will be late attending the Board's Annual Retreat.

Chairman Grippa

- a. Chairman Grippa suggested that Commissioner Thael be appointed to talk with City Commissioner Mustian regarding land acquisition for a Cultural Resources Center. A private citizen, Paula Smith, will also be appointed and will work with Commissioner Thael; the City will also make an appointment. The Board concurred.
- b. Requested that the Gaines Street issue be placed on a future agenda. Chairman Grippa pointed out that there is an alternative for one ways streets and voiced concerns about the Madison Street coupling and stated that WART, a City consultant, has been hired to figure the issue out, although the County had input in the hiring of the firm. Commissioner Sells pointed out that the subcommittee discussed the one way pair but did not discuss the hiring of the consultant. It was noted that they would have to come back to the MPO - the Chairman wanted to have input with the consultant and about the scope of services so there is talk about one way streets. It was noted that December 15th is the tentative date for the next MPO meeting.

Chairman asked if the subcommittee was getting briefed on these alternatives and the hiring of a consultant. Commissioner Thael stated that they were briefed on the proposed alternatives but not the hiring of a consultant. The Board instructed staff to find out what has been done and bring back to the County Commission; staff was also directed to get involved in the scope of the consultants study.

- c. Requested a workshop for next week, November 25th on the Innovation Park concept and report at 4:00 p.m., materials would be distributed before the workshop. The Chairman will ask the parties if they can come at 3:00 p.m., if not, the workshop would be held at 4:00 p.m. The Board concurred.
- d. Suggested that if a citizen requests documents of five pages or less, that they not be charged. Staff advised that there is a policy for charging for copies; everyone is charged except for sister governments.

County Administrator Alam explained that an MPO meeting should be scheduled. The Chairman stated that there was no willingness to meet on the part of the City and meetings have been cancelled. The Board stated that they did not wish to meet on December 15th

since they would be on holiday break. It was the consensus of Board to meet on December 11, 2003 at 4:00 – 6:00 p.m. (The joint City/County Comprehensive Plan meeting is also scheduled at City Hall at 6:00 p.m.)

There being no further business to come before the Board, the meeting adjourned at 12:07 a.m. Wednesday, November 19, 2003.

APPROVED: _____
Tony Grippa
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court

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